

Here UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LINDSAY NASH,

Plaintiff,

- against -

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Defendant.

No. 21 Civ. 4288 (JPC)

LINDSAY NASH,

Plaintiff,

- against -

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Defendant.

No. 23 Civ. 6994 (JPC)

**STIPULATION
AND [PROPOSED] ORDER**

WHEREAS, on May 12, 2021, Plaintiff Lindsay Nash initiated the matter docketed at No. 21 Civ. 4288 (JPC) (“*Nash I*”), by filing a complaint against United States Immigration and Customs Enforcement (“ICE” and together with Nash, the “Parties”) seeking certain records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552;

WHEREAS, on August 8, 2023, Nash initiated the matter docketed at No. 23 Civ. 6994 (JPC) (“*Nash II*”), by filing a complaint against ICE seeking certain records under the FOIA, which was marked as related to *Nash I*;

WHEREAS, ICE has completed its productions in response to the FOIA request at issue in *Nash II*;

WHEREAS, the parties entered into two stipulations of partial settlement in *Nash I* (on December 20, 2021, and December 1, 2023, respectively) and ICE has made several productions of records responsive to both the FOIA request at issue in *Nash I*, as narrowed by the two stipulations;

WHEREAS, counsel for the Government provided Nash with the following information by email about ICE's productions in *Nash I*:

- The subpoena logs that have been produced in *Nash I* are the full, unexcerpted logs of subpoenas issued by ICE's Enforcement and Removal Operations ("ERO") maintained by ICE's headquarters and the different field offices from which they originated;
- The majority of subpoenas issued by ERO are issued for civil immigration purposes;
- The Chicago Field Office of ERO stopped issuing subpoenas at a point in time subsequent to September 2021 due to Chicago's status as a sanctuary city; and
- The Dallas Field Office of ERO stopped issuing subpoenas upon learning that employers had informed their employees they had received immigration subpoenas for records related to the employees.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties as follows:

1. This Stipulation fully resolves the claims in *Nash I* and *Nash II*, and the complaints in both matters shall be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), except that Nash reserves the right to move for attorneys' fees and costs in both matters and ICE reserves all defenses to such a motion;

2. The Parties understand and agree that this Stipulation contains the entire agreement between them, and that any statements, representations, promises, agreements, or negotiations, oral or otherwise, between the Parties that are not included herein shall be of no force or effect.


3. If not approved and entered by the Court, this Stipulation shall be null and void, with no force or effect.

4. The Stipulation may be executed in one or more counterparts, each of which shall be deemed to be one and the same.

Dated: New York, New York
October 18, 2024

DAMIAN WILLIAMS
United States Attorney

By:




ZACHARY BANNON
JESSICA ROSENBAUM
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, NY 10007

Dated: New York, New York
October 17, 2024

LINDSAY NASH

By:



LINDSAY NASH
Benjamin N. Cardozo School of Law
55 Fifth Avenue, Suite 1108
New York, NY 10003

SO ORDERED:

Dated: New York, New York
_____, 2024

HONORABLE JOHN P. CRONAN